



12-08-03

PATENT

DAC
#25/ald
W/D ABN
12-22-03

Attorney Docket No. 81862P072

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re utility Patent Application for:)
David A. Hughes, et al.)
Application No.: 08/825,492)
Filed: March 28, 1997)
For: SCHEME FOR MERGING PARTIALLY)
FILLED ATM CELLS)

Examiner: Hsu, Alpus
Art Unit: 2665

RECEIVED

DEC 15 2003

Technology Center 2600

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED

DEC 10 2003

OFFICE OF PETITIONS

PETITION UNDER 37 C.F.R. § 1.182
TO WITHDRAW THE NOTICE OF ABANDONMENT

Sir:

Applicants hereby petition under 37 C.F.R. § 1.182 to withdraw the abandonment of this patent application.

This information is being submitted promptly after applicants have learned of the abandonment on the basis of the Notice of Abandonment mailed October 24, 2003.

It is respectfully submitted that applicants timely filed a Continued Prosecution Application (CPA) with a Preliminary Amendment in response to the Decision on Appeal. The Decision on Appeal was mailed August 27, 2002. Applicants timely deposited the Continued Prosecution application (CPA) and Preliminary Amendment with the U.S. Postal Service as Express Mail on October 18, 2002 in accordance with the procedures of 37 C.F.R. § 1.10.

Enclosed are photocopies of the following items that were filed with the United States Patent and Trademark Office ("U.S. PTO") on October 18, 2002:

12/09/2003 SZEWDIE1 00000061 08825492

- (1) Continued Prosecution Application (CPA) Request Transmittal dated October 18, 2002;
- (2) Nonpublication Request Under 35 U.S.C. 122(b)(2)(B)(i) dated October 18, 2002;
- (3) Preliminary Amendment dated October 18, 2002 Accompanying Continued Prosecution Application;
- (4) a check for \$1,022.00 for the CPA filing fee;
- (5) the return postcard.

The above-referenced postcard was returned to the undersigned attorney by the U.S. Patent and Trademark Office stamped with a date of October 18, 2002 by the mailroom of the U.S. Patent and Trademark Office. The Express Mail label shows a "Date In" date of October 18, 2002.

Applicants believe that this abandonment was a mistake of the Patent and Trademark Office. The Patent and Trademark office mistakenly mailed a Notice of Abandonment on October 24, 2003 with respect to this patent application.

Applicants therefore respectfully request reconsideration and withdrawal of the holding of abandonment of the above-identified patent application on the basis that there was in fact no abandonment.

The following documents that support applicants' request are enclosed as Exhibits to this Petition:

- (1) a photocopy of the Continued Prosecution Application (CPA) Request Transmittal dated October 18, 2002;
- (2) a photocopy of the Nonpublication Request Under 35 U.S.C. 122(b)(2)(B)(i) dated October 18, 2002;
- (3) a photocopy of the Preliminary Amendment dated October 18, 2002 Accompanying the Continued Prosecution Application;

- (4) a photocopy of the return postcard as stamped by the U.S. PTO;
- (5) a photocopy of the check for \$1,022.00;
- (6) a photocopy of the Express Mail label.

Also enclosed is a check for \$130.00 for the fee under 37 C.F.R. § 1.17(h) for this Petition. Applicants also request a refund of the petition fee because no defect on the part of applicants exists. If there are any additional charges, please charge Deposit Account No. 02-2666.

Alternatively, applicants hereby petition under 37 C.F.R. § 1.137(a) that the application be revived given that the delay was unavoidable because applicants in fact filed a CPA and Preliminary Amendment as shown above and, through no fault of applicants, that submission was apparently ignored by the PTO in favor of an erroneous Notice of Abandonment. There is simply no practical way for applicants to have avoided this holding of abandonment given that there was no basis whatsoever for the Notice of Abandonment by the PTO.

RECEIVED

DEC 15 2003

Respectfully submitted,

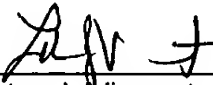
Technology Center 2600

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

RECEIVED

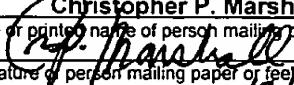
DEC 10 2003

Dated: December 5, 2003


Lester J. Vincent
Reg. No. 31,460

OFFICE OF PETITIONS

12400 Wilshire Blvd.
Seventh Floor
Los Angeles, CA 90025
(408) 720-8300

EXPRESS MAIL STATEMENT	
"Express Mail" mailing label number:	<u>EV336587952US</u>
Date of Deposit:	<u>December 5, 2003</u>
I hereby state that I am causing this paper or fee to be deposited with the United States Postal Service "Express Mail Post Office to Addressee" service on the date indicated above and that this paper or fee has been addressed to the Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450	
<u>Christopher P. Marshall</u>	
(Type or printed name of person mailing paper or fee)	
	
(Signature of person mailing paper or fee)	
<u>12/5/2003</u>	
(Date Signed)	

FEE TRANSMITTAL FOR FY 2004

(FY 2004 Begins 10/01/2003)

TOTAL AMOUNT OF PAYMENT (\$) 130.00

RECEIVED

DEC 15 2003

Technology Center 2600

Complete if Known:

Application No. 08/825,492

Filing Date March 28, 1997

First Named Inventor David A. Hughes

Examiner Name Hsu, Alpus

Art Unit 2665

Attorney Docket No. 81862P072

☐ Applicant claims small entity status. See 37 CFR 1.27.

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account

Deposit Account Number : 02-2666

Deposit Account Name: _____

☒ The Director is Authorized to do the following with respect to the above-identified Deposit Account:

☐ Charge fee(s) indicated below.

☒ Credit any overpayments.

☒ Charge any additional fees during the pendency of this application.

☒ Any concurrent or future reply that requires a petition for extension of time should be treated as incorporating an appropriate petition for extension of time and all required fees should be charged.

☐ Charge fee(s) indicated below except for the filing fee.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Code	Fee (\$)	Code	Fee (\$)		
1001	770	2001	385	Utility application filing fee	_____
1002	340	2002	170	Design application filing fee	_____
1003	530	2003	265	Plant filing fee	_____
1004	770	2004	385	Reissue filing fee	_____
1005	160	2005	80	Provisional application filing fee	_____

SUBTOTAL (1) \$ 0.00

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

		Extra Claims	Fee from below	Fee Paid
Total Claims	_____	- 20** = _____	X _____	= _____
Independent Claims	_____	- 3** = _____	X _____	= _____
Multiple Dependent	_____		_____	= _____

**Or number previously paid, if greater; For Reissues, see below.

Large Entity		Small Entity		Fee Description
Code	Fee (\$)	Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	**Reissue independent claims over original patent
1205	18	2205	9	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) \$ 0.00

RECEIVED

DEC 15 2003

Technology Center 2600

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Code	Fee (\$)	Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1813	8,800	1813	8,800	Request for inter parties reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	130.00
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	For filing a submission after final rejection (see 37 CFR 1.129(a))	
1814	110	2814	55	Statutory Disclaimer	
1810	770	2810	385	For each additional invention to be examined (see 37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
1504	300	1504	300	Publication fee for early, voluntary, or normal pub.	
1505	300	1505	300	Publication fee for republication	
1803	130	1803	130	Request for voluntary publication or republication	
1808	130	1808	130	Processing fee under 37 CFR 1.17(i) (except provisionals)	
1454	1,330	1454	1,330	Acceptance of unintentionally delayed claim for priority	

Other fee (specify) _____

Other fee (specify) _____

SUBTOTAL (3) \$ 130.00

*Reduced by Basic Filing Fee Paid

SUBMITTED BY:

Typed or Printed Name: Lester J. Vincent

Signature:  Date: December 5, 2003

Reg. Number: 31,460 Telephone Number: (408) 720-8300

Send to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450



81862P072

RECEIVED

DEC 15 2003

Technology Center 2600

EXHIBITS

- (1) a photocopy of the Continued Prosecution Application (CPA) Request Transmittal dated October 18, 2002;
- (2) a photocopy of the Nonpublication Request Under 35 U.S.C. 122(b)(2)(B)(i) dated October 18, 2002;
- (3) a photocopy of the Preliminary Amendment dated October 18, 2002 Accompanying the Continued Prosecution Application;
- (4) a photocopy of the return postcard as stamped by the U.S. PTO;
- (5) a photocopy of the check for \$1,022.00;
- (6) a photocopy of the Express Mail label.



RECEIVED
OCT 25 2002

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN
LOS ANGELES

ENTERED
OCT 28 2002

STATUS DB-LA

RECEIVED

DEC 15 2003

Technology Center 2600

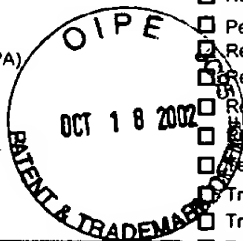
Application No. 08/825,492 Filing Date: 03/28/97 BSTZ Docket #: 081862.P072C2 Atty/Sec: TNF/jls
Date Mailed: 10/18/2002 Docket Due Date(s): _____ Client: Cisco Technology, Inc.
Title: Scheme for Merging Partially Filled ATM Cells

First Named Inventor: David A Hughes

The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

- | | |
|---|--|
| <input checked="" type="checkbox"/> Amendment: Preliminary (<u>8</u> pgs) | <input type="checkbox"/> Information Disclosure Statement & PTO/SB/08 (<u> </u> pgs) |
| <input type="checkbox"/> Appeal Brief & two copies (<u> </u> pgs) | <input type="checkbox"/> Issue Fee Transmittal (original & copy) |
| <input type="checkbox"/> Application:
<u> </u> pages w/ cover & abstract) | <input checked="" type="checkbox"/> Nonpublication Request Under 35 U.S.C. 122(b)(2)(B)(i) |
| <input type="checkbox"/> Assignment & Cover Sheet (<u> </u> pgs) | <input type="checkbox"/> Notice of Appeal |
| <input type="checkbox"/> Certificate of | <input type="checkbox"/> Petition for: <u> </u> |
| <input checked="" type="checkbox"/> Continued Prosecution Application (CPA) | <input type="checkbox"/> Request for Continued Examination (RCE) |
| <input type="checkbox"/> Declaration & POA (<u> </u> pgs) | <input type="checkbox"/> Reply Brief (<u> </u> pgs) |
| <input type="checkbox"/> Drawings: <u> </u> sheets, <u> </u> figures | <input type="checkbox"/> Request to Rescind Previous Nonpublication Request |
| <input checked="" type="checkbox"/> Express Mail No: <u>EV151113812US</u> | <input type="checkbox"/> Response to |
| <input type="checkbox"/> Extension of Time: <u> </u> | <input type="checkbox"/> Terminal Disclaimer |
| <input type="checkbox"/> Fee Transmittal (original & copy) | <input type="checkbox"/> Transmittal of Formal Drawings |
| <input checked="" type="checkbox"/> Other: <u>Postcard</u> | <input type="checkbox"/> Transmittal of Publication Fee Due |
| | <input checked="" type="checkbox"/> Transmittal Letter |
| | <input checked="" type="checkbox"/> Check No. <u>1470</u> in the Amount of <u>\$1,022.00</u> |
| | <input type="checkbox"/> Check No. <u> </u> in the Amount of <u> </u> |

SJ



RECEIVED

DEC 10 2003

OFFICE OF PETITIONS

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP

WELLS FARGO BANK 1470

001470

A PARTNERSHIP INCLUDING LAW CORPORATIONS

60 SOUTH MARKET STREET, SUITE 510

SAN JOSE, CA 95113-2392

(408) 947-8200

11-24
1210(8)

October 18, 2002

DOLLARS \$

1,022.00

ONE THOUSAND TWENTY-TWO & NO/100

Director of the United States
Patent & Trademark Office
Washington, DC 20231-0001

TO
THE
ORDER
OF

[Signature]
AUTHORIZED SIGNATURE

⑈001470⑈ ⑆121000248⑆4496878455⑈

THE SECURITY FEATURES ON THIS DOCUMENT INCLUDE A MICRO-PRINT SIGNATURE LINE, BLEED THRU NUMBERING, A TRUE WATERMARK AND VISIBLE FIBERS.

DETACH AND RETAIN THIS STATEMENT
THE ATTACHED CHECK IS IN PAYMENT OF ITEMS DESCRIBED BELOW.
IF NOT CORRECT PLEASE NOTIFY US PROMPTLY. NO RECEIPT DESIRED

Invoice: 10/18/2002 Amount: 1022.00
081862.0072C2 Cisco Technology, Inc. TNF/jls
Continuation Application filing fee
Scheme for Merging Partially Filled ATM Cells
Inventors: David A. Highes, et al.
USSN 08/825,492 Filed March 28, 1997
Ex Mail No.: EV 151 113 812 US

RECEIVED

DEC 15 2003

Technology Center 2600

001470



RECEIVED

DEC 1 0 2002

OFFICE OF PETITION

Customer Copy



EV 15113812 US



EXPRESS MAIL

UNITED STATES POSTAL SERVICE

Post Office To Addressee

ORIGIN (POSTAL USE ONLY)

Post Code	Day of Delivery	Flat Rate Envelope
75101	<input type="checkbox"/> Next <input type="checkbox"/> 2nd <input type="checkbox"/> 3rd	<input type="checkbox"/>
101802	<input type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM	Postage
Mo Day Year	Military	Return Receipt Fee
10 18 02	<input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	\$
Mo Day Year	Int'l Alpha Country Code	COD Fee
10 18 02		\$
Weight	Accepted Clerk Initials	Total Postage & Fees
4		\$ 3.65
No Delivery		
<input type="checkbox"/> Weekend <input type="checkbox"/> Holiday		

DELIVERY (POSTAL USE ONLY)

Delivery Attempt	Time	Employee Signature
<input type="checkbox"/> AM <input type="checkbox"/> PM		
Delivery Attempt	Time	Employee Signature
<input type="checkbox"/> AM <input type="checkbox"/> PM		
Delivery Date	Time	Employee Signature
<input type="checkbox"/> AM <input type="checkbox"/> PM		

CUSTOMER USE ONLY

METHOD OF PAYMENT

Express Mail Corporate Acct. No.

X90/254

081862

Federal Agency Acct. No. or Postal Service Acct. No.

FROM: (PLEASE PRINT)

BLAKELY SOKOLOFF
TAYLOR & ZAFMAN
60 S MARKET ST STE 510
SAN JOSE CA 95113-2392
P07262
TN 115
10/18/02

TO: (PLEASE PRINT)

BOX 3 CPA
ASSISTANT COMMISSIONER
REGISTRARS
WASHINGTON DC 20231-8800

PRESS HARD.

You are making 3 copies.

FOR PICKUP OR TRACKING CALL 1-800-222-1811 www.usps.com



RECEIVED

DEC 15 2002

Technology Center